UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,046	09/26/2003	William B. Thomson	WBU-001	7172

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EXAMINER
KIM, PAUL

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	10/672,046	THOMSON ET AL.
	Examiner	**Art Unit**	
	Paul Kim	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 September 2003</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-16</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>26 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>13 February 2004</u>.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communication: Original Application filed on

26 September 2003.

2.   Claims 1-16 are pending. Claim 1 is independent.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   **Claims 1, 5, and 7** are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

5.   **As per independent claim 1**, the claim recites "a plurality of candidates" and "each

candidate's attribute" in lines 2-3 and line 4-5 of the claim. It is unclear whether they are

intended to be the same as or different from "a candidate" recited in line 1 of the claim.

6.   **As per dependent claim 5**, the phrase "issues relevant in an election" would not allow

one of ordinary skill in the art to reasonably apprise the scope and metes and bounds of the

invention.

7.   **As per dependent claim 7**, the terms "substantially" and "pseudo" in the claim are

relative terms which render the claim indefinite. The terms "substantially" and "pseudo" are not

defined by the claim, the specification does not provide a standard for ascertaining the requisite

degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the

invention.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   **Claims 1-8, 11-14, and 16** are rejected under 35 U.S.C. 102(b) as being anticipated by

SelectSmart.com (NPL, http://web.archiv.org/web/20020123020109/http://www.

selectsmart.com/PRESIDENT/, hereinafter referred to as SELECTSMART), published on 01

January 2002.

10.   **As per independent claim 1**, SELECTSMART teaches:

An automated method for determining a preference for a candidate comprising,

        uniquely associating an attribute for each of a plurality of categories with each of a plurality of candidates {See SELECTSMART, wherein the user may select a certain response as to "[w]hich views on the issue of abortion would [the user] prefer [the] candidate to advocate"},

        displaying to a user a summary of each candidate's attribute, for each of the plurality of categories {See SELECTSMART, wherein the user may click on the name of the candidate to display a summary of the candidate},

        enabling the user to indicate a preference for at least one of the one of the attributes for each of the plurality of categories {See SELECTSMART, wherein the user may indicate the user's preference, or response, by selecting a certain radio button},

        processing the uniquely associated attributes selected by the user for each of the plurality of categories to identify a user preference for at least one of the candidates, and displaying the user preference {See SELECTSMART, wherein the user submits the responses and a list of candidates is displayed in order of highest score, or associative "preference"}.

11.   **As per dependent claim 2**, SELECTSMART teaches:

The method of claim 1 wherein indicating a preference for an attribute includes selecting a single one of the attributes {See SELECTSMART, wherein the user may indicate the user's preference, or response, by selecting a certain radio button}.

12.   **As per dependent claim 3**, SELECTSMART teaches:

The method of claim 1 wherein the indicating of a preference comprises ranking a preference for more than one of the attributes {See SELECTSMART, p. 1, wherein the user may select a certain preference over another, thereby making the selected preference above in rank over the unselected preferences}.

13.   **As per dependent claim 4**, SELECTSMART teaches:

The method of claim 1 wherein the indicating of a preference comprises providing a score for more than one of the attributes {See SELECTSMART, p. 1, wherein the selection of a preference allots a value to the selected preference}.

14.   **As per dependent claim 5**, SELECTSMART teaches:

The method of claim 1 wherein each of the attributes comprises a point of view {See SELECTSMART, p. 1, wherein this reads over "Pro-Choice", "Oppose", and "Support Increase"}, the plurality of candidates comprises people campaigning for office {See SELECTSMART, p. 5, wherein this reads over "Alan Keyes" and "George W. Bush"}, and the plurality of categories comprises issues relevant in an election {See SELECTSMART, p. 1, wherein this reads over "Abortion Issues", "Minority Issues", and "Crime"}.

15.   **As per dependent claim 6**, SELECTSMART teaches:

The method of claim 2 wherein the point of view is expressed by using standardized language {See SELECTSMART, p. 1, wherein this reads over "Would you prefer your candidate support or oppose such legislation as affirmative action?"}.

16.   **As per dependent claim 7**, SELECTSMART teaches:

The method of claim 1 wherein the system presents each of the plurality of categories in substantially random or pseudo random order {See SELECTSMART, p. 1, wherein the issues are listed in random order}.

17.   **As per dependent claim 8**, SELECTSMART teaches:

The method of claim 1 wherein the identity of each of the plurality of candidates associated with the attribute is not revealed to the user until the system

displays the user preference {See SELECTSMART, p. 5, wherein the user submits the responses and a list of candidates is displayed in order of highest score, or associative "preference"}.

18.   **As per dependent claim 11, SELECTSMART teaches:**

The method of claim 1 comprising ranking the plurality of candidates according to the user's identified preference {See SELECTSMART, p. 5, wherein the user submits the responses and a list of candidates is displayed in order of highest score, or associative "preference"}.

19.   **As per dependent claim 12, SELECTSMART teaches:**

The method of claim 1 comprising providing a score with respect the plurality of candidates wherein the score is indicative of the user's preference {See SELECTSMART, p. 5, wherein a "score" and listing is provided of the candidates}.

20.   **As per dependent claim 13, SELECTSMART teaches:**

The method of claim 1 comprising enabling a user to retrieve a position paper for each attribute {See SELECTSMART, wherein the user may click on the name of the candidate to retrieve and display "a position paper"}.

21.   **As per dependent claim 14, SELECTSMART teaches:**

The method of claim 1 wherein the user may stop the system before all the categories have been presented, and the system displays to the user the preferred candidate by category {See SELECTSMART, p. 5, wherein the user submits the responses and a list of candidates is displayed in order of highest score, or associative "preference"}.

22.   **As per dependent claim 16, SELECTSMART teaches:**

The method of claim 1 wherein the user may retrieve a summary of each of the plurality of candidate's attributes for all of the categories {See SELECTSMART, wherein the user may click on the name of the candidate to retrieve and display a summary}.

Claim Rejections - 35 USC § 103

23.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

24.   **Claims 9, 10, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over

SELECTSMART, in view of The AA (NPL, http://www.theaa.com/allaboutcars/carsearch/

carsearch_decide.jsp, hereinafter referred to as AA), published on 18 November 2002.

SELECTSMART discloses the limitations of claims 1-8, 11-14, and 16 for the reasons

stated above.

SELECTSMART differs from the claimed invention in that SELECTSMART fails to

disclose a method wherein the user may indicate the relative importance of each of the plurality

of categories (claim 9).

SELECTSMART differs from the claimed invention in that SELECTSMART fails to

disclose a method comprising of enabling the user to exclude from consideration at least one of

the plurality of categories (claim 10).

SELECTSMART differs from the claimed invention in that SELECTSMART fails to

disclose a method wherein the user may skip the attribute (claim 15).

25.   **As per dependent claim 9**, SELECTSMART, in view of AA, discloses a method

comprising of enabling the user to indicate the relative importance of each of the plurality of

categories {See AA, p. 2, wherein the user may select which category to sort by}.

The combination of inventions disclosed in SELECTSMART and AA would disclose a

method wherein the user may indicate the relative importance of each of the plurality of

categories. Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the above invention suggested by SELECTSMART by

combining it with the invention disclosed by AA.

One of ordinary skill in the art would have been motivated to do this modification so that

the user may have the results listed according to the relative importance of the categories.

26.   **As per dependent claim 10**, SELECTSMART, in view of AA, discloses a method

comprising of enabling the user to exclude from consideration at least one of the plurality of

categories {See AA, p. 2, wherein the user may select "No preference" under the "New or used" category}.

The combination of inventions disclosed in SELECTSMART and AA would disclose a

method of enabling the user to exclude from consideration a certain category. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the above invention suggested by SELECTSMART by combining it with the invention

disclosed by AA.

One of ordinary skill in the art would have been motivated to do this modification

wherein the user does not have a preference or aa established view on a category.

27.   **As per dependent claim 15**, SELECTSMART, in view of AA, discloses a method

comprising the step of enabling the user to skip the attribute {See AA, p.2, wherein the user may opt not

to enter a price range under the "Budget" category}.

The combination of inventions disclosed in SELECTSMART and AA would disclose a

method wherein the user may skip the attribute. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the above invention

suggested by SELECTSMART by combining it with the invention disclosed by AA.

One of ordinary skill in the art would have been motivated to do this modification

wherein the user does not have a preference or an established view on a category.

Conclusion

28.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul Kim whose telephone number is (571) 272 2737. The

examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on (571)272-4023. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SAM RIMELL
PRIMARY EXAMINER